

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6549

BILL NUMBER: SB 178

NOTE PREPARED: Feb 25, 2010

BILL AMENDED: Feb 23, 2010

SUBJECT: Custody and Parenting Time Matters.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR: Rep. VanDenburgh

BILL STATUS: As Passed House

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- (1) Requires a paternity affidavit to contain a: (a) provision that allows the mother and the man who is identified as the father to agree to share joint legal custody of the child; (b) statement explaining joint legal custody; (c) statement that if the parties do not agree to share joint legal custody, the mother has sole legal custody; (d) statement that even if the parties agree to share joint legal custody, the mother has primary physical custody; unless a court determines otherwise; and (e) statement that the results of a paternity test administered to the man who reasonably appears to be the child's biological father must be submitted to the local health department 30 days after the child's birth.
- (2) Provides that the man who is identified as the father has parenting time in accordance with the parenting time guidelines unless a court determines otherwise.
- (3) Provides that, if a paternity affidavit is executed, the mother has primary physical custody of the child.
- (4) Requires an action to establish custody or parenting time of a party who has agreed to share joint legal custody on a paternity affidavit be tried de novo.
- (5) Provides that a paternity affidavit executed through a hospital may be completed not more than ten days after the child's birth if a parent is out of the country.
- (6) Provides that the results of a paternity test administered to the man who reasonably appears to be the child's biological father must be submitted to the local health department not more than 30 days after the child's birth for the paternity affidavit to be valid.
- (7) Provides that a paternity affidavit must be presented separately to the child's mother and the man who reasonably appears to be the child's biological father before it is signed.
- (8) Provides that a child's mother or the man who reasonably appears to be the child's biological father who are less than 18 years of age must be given the opportunity to consult with a parent or guardian regarding the

contents of the paternity affidavit before signing the affidavit.

Effective Date: July 1, 2010.

Explanation of State Expenditures: This bill will increase the workload of the Indiana State Department of Health to redesign the paternity affidavit form. Increases in workload are expected to be minimal.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: State Department of Health.

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.